



Entered on Docket
November 01, 2011

A handwritten signature in black ink, appearing to read "R. B." followed by a stylized signature.

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Eleventh Omnibus
Objection Of USACM Trust To Duplicate
Proofs Of Claim**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Eleventh Omnibus Objection Of USACM Trust To Duplicate Proofs Of Claim" [DE 9063] (the Objection) at the hearing held on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS ORDERED that:

1. The Objection [DE 9063] is sustained;

1 2. **Exhibit A**, attached, lists Proofs of Claims that appear to be duplicates of
2 other proofs of claims that were filed by the same creditors in the USACM bankruptcy
3 estate;

4 3. **Exhibit A** identifies the claimant, the claimant's address, the claim number,
5 the amount of the duplicate claim, the basis for the objections, the claim number that the
6 USACM Trust counted as a valid claim and processed accordingly; and,

7 4. The duplicate Proofs of Claims listed on **Exhibit A** are disallowed in their
8 entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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19 *Attorneys for USACM Liquidating Trust*

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

This Court has waived the requirement set forth in LR 9021(b)(1).

xxx No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

#

USACM Trust

Duplicate Claims

Exhibit A

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number ¹	Processed Claim Amount ¹
10725-00542-2	Marconi, Carol A 3731 Sarasota Square Blvd Apt 307 Sarasota, FL 34238-5462	50,724.00	Claim 10725-00542-2 is based on an investment in Elizabeth May Real Estate, LLC and is a duplicate of claim 10725-00542. The claim was erroneously filed twice. Claim 10725-00542 has been resolved per an order disallowing claims based on the Elizabeth May Real Estate, LLC loan.	10725-00542	50,724.00
10725-00543-2	Wilkelis, Lynn PO Box 642 Buellton, CA 93427	53,104.00	Claim 10725-00543-2 is based on an investment in Preserve at Galleria, LLC and is a duplicate of claim 10725-00543. The claim was erroneously filed twice. Claim 10725-00543 has been resolved per an order disallowing claims based on the Preserve at Galleria, LLC loan.	10725-00543	53,104.00
10725-00546-2	Bryan, Roger Marvin & Ann T Bryan Fmly Trust Dtd 8/19/92 123 2Nd Ave Unit #512 Salt Lake City, UT 84103	100,000.00	Claim 10725-00546-2 is based on investments in Marquis Hotel and 3685 San Fernando Road Partners, the claim is a duplicate of claim 10725-00546. Claim 10725-00543 has been resolved per orders disallowing claims based on the Marquis Hotel and 3685 San Fernando Road Partners loans.	10725-00546	100,000.00
10725-00593-2	Kantor Family Trust Dated 5/6/82 C/O Ronald A & Ruth E Kantor Ttees 1921 N Beverly Dr Beverly Hills, CA 90210-1612	369.00	Claim 10725-00593-2 is based on an investment in Del Valle - Livingston and is a duplicate of claim 10725-00593. The claim was erroneously filed twice. Claim 10725-00593 was included in the objection to claims based on the Del Valle - Livingston loan.	10725-00593	369.00
10725-00645-2	Ramon L & Linda L Snyder Family Trust Dtd 10/14/98 C/O Ramon L & Linda L Snyder Ttees 405 Grayeagle Ct Lincoln, CA 95648-8676	125,000.00	Claim 10725-00645-2 is based on an investment in Oak Shores II and is a duplicate of claim 10725-00645. The claim was erroneously filed twice. Claim 10725-00645 has been resolved per an order disallowing claims based on the Oak Shores II loan.	10725-00645	125,000.00

¹Claim may have been disallowed or allowed by order of this Court.

EXHIBIT A

2445877.1

Case 06-10725-gwz Doc 9442 Entered 11/01/11 09:15:18 Page 4 of 5

USACM Trust

Duplicate Claims

Exhibit A

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number ¹	Processed Claim Amount ¹
10725-00723-2	McKnight, James E 233 Branch Ave Freeport, NY 11520-6007	633.33	Claim 10725-00723-2 is based on an investment in Binford Medical Developers, LLC and is a duplicate of claim 10725-00723. The claim was erroneously filed twice. Claim 10725-00723 was amended by claim 10725-1683.	10725-00723	633.33
10725-01139-2	William R & Cynthia J Godfrey Living Trust 2005 William R Godfrey And Cynthia J Godfrey Tees 7250 Birkland Court Las Vegas, NV 89117	50,000.00	Claim 10725-01139-2 is based on an investment in La Hacienda Estate, LLC and is a duplicate of claim 10725-01139. The claim was erroneously filed twice. Claim 10725-01139 has been resolved per an order disallowing claims based on the La Hacienda Estate, LLC loan.	10725-01139	50,000.00
10725-01163-2	Capital Mortgage Investors Inc C/O Jeffrey S Berlowitz, Esq 4000 Hollywood Blvd, Suite 375-S Hollywood, FL 33021	-	Claim 10725-01163-2 did not provide supporting documentation supporting the claim and is a duplicate of claim 10725-01163. The claim was erroneously filed twice. Claim 10725-01163 has been resolved per an order disallowing the claim for lack of supporting documentation.	10725-01163	-
10725-01163-3	Capital Mortgage Investors Inc C/O Jeffrey S Berlowitz, Esq 4000 Hollywood Blvd, Suite 375-S Hollywood, FL 33021	-	Claim 10725-01163-3 did not provide supporting documentation supporting the claim and is a duplicate of claim 10725-01163. The claim was erroneously filed twice. Claim 10725-01163 has been resolved per an order disallowing the claim for lack of supporting documentation.	10725-01163	-
10725-01165-2	Goldstein, Barry J & Patricia B C/O Jeffrey S Berlowitz Esq 4000 Hollywood Blvd Ste 375-S Hollywood, FL 33021	14,699.00	Claim 10725-01165-2 is based on investments in Bay Pompano and Roam Development. The claim is a duplicate of claim 10725-01165. The claim was erroneously filed twice. Claim 10725-01165 has been resolved per orders disallowing claims based on the Bay Pompano and Roam Development loans.	10725-01165	14,699.00

¹Claim may have been disallowed or allowed by order of this Court.

EXHIBIT A

2445877.1